



### **DECLARATION, POWER OF ATTORNEY AND PETITION**

As a below named inventor, I hereby declare: that my residence, post office address, and citizenship are as stated below next to my name; that I verily believe I am the original, first, and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled MEMORY FOAM MATTRESS SYSTEM, the specification of which was filed on June 23, 2003, as THORPE NORTH & WESTERN, LLP Docket No. 20920.NP; that I have reviewed and understand the contents of the above-identified specification, including the claims; and that I acknowledge the duty to disclose information which is material to patentability as defined in § 1.56(a) of Title 37 of the Code of Federal Regulations.

I hereby claim the benefit of earlier filed provisional patent applications filed in the United States as application nos. 60/390,982, 60/390,984, and 60/390,985 filed on June 22, 2002; and, insofar as the subject matter of each of the claims of this application is not disclosed in the earlier filed pending application in the manner provided by the first paragraph of Section 112 of Title 35 of the United States code, we acknowledge the duty to disclose material information, as defined in Section 1.56(a) of Title 37 of the Code of Federal Regulations, which occurred between the filing date of the earlier filed application and the filing date of this application.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint as its attorneys and/or patent agents the law firm of THORPE NORTH & WESTERN, LLP, having a business address of 8180 South 700 East, Suite 200, Sandy, Utah 84070, and VAUGHN W. NORTH, Registration No. 27,930; M. WAYNE WESTERN, Registration No. 22,788; CLIFTON W. THOMPSON, Registration No. 36,947; GARRON M. HOBSON, Registration No. 41,073; PETER M. DE JONGE, Registration No. 47,521; WEILI CHENG, Registration No. 44,609; DAVID R. MCKINNEY, Registration No. 42,868; STEVE M. PERRY, Registration No. 45,357; GARY P. OAKESON, Registration No. 44,266; DAVID W. OSBORNE, Registration No. 44,989; JASON R. JONES, Registration No. 51,008; DAVID L. STOTT, Registration No. 43,937; ERIK S. ERICKSEN, Registration No. 48,954; and PAUL C. OESTREICH, Registration No. 44,983; all with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence concerning this application should be directed to:

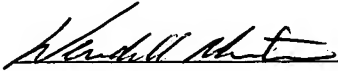
**THORPE NORTH & WESTERN, LLP Customer No. 20,551**  
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Wherefore, I pray that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, declaration, power of attorney, and this petition.

Declaration, Power of Attorney and Petition  
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INVENTORS:

Signed at Clarkston, Mi, this 30<sup>th</sup> day of October, 2003.  
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Wendell Martens  
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Declaration, Power of Attorney and Petition

Page 3

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Please note  
correct  
spelling of  
my last name